

### **REMARKS/ARGUMENTS**

In response to the Office Action mailed January 25, 2010, Applicant amends his application and request reconsideration in view of the amendments and the following remarks. In this response, Claim 1 is amended, no claims have been added, claims 2, 3, 5, 7, 8, 10, 11, 12, 14 and 19 were cancelled without prejudice and claims 6, 9, 15-18, 22-24 and 27-58 were withdrawn so that Claims 1, 4, 6, 9, 13, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26 and 27-58 are currently pending. No new matter has been introduced.

Claim 1 was rejected under 35 USC 112, second paragraph. Applicant has amended the claim to more clearly set forth the invention. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-5, 7, 7, 10-14, 19-21 and 25-26 were rejected as being anticipated by US Patent No. 6, 190,353 to Makower et al. (Makower). This rejection is respectfully traversed.

Anticipation exists only if all of the elements of the claimed invention are present in a system or method disclosed, expressly or inherently, in a single prior art reference. Therefore, if it can be shown that there is one difference between the claimed invention and what is disclosed in the single reference, there can be no anticipation. Makower discloses methods and devices for bypassing arterial obstructions. The devices all have catheters and guide wires and means for leaving the vessel. However, Makower fails to disclose or even suggest the unique single lumen design of the claimed invention. Specifically, Makower fails to disclose or suggest a catheter system for use in forming a pathway between an extraluminal space within a blood vessel and a true lumen of the blood vessel, comprising a single guide wire; a catheter body including at least one lumen configured to track over the single guide wire to a treatment site; a catheter endpiece coupled to the distal end of the catheter

body, the catheter endpiece including a deflection housing, one distal port and one lateral opening, both in communication with the lumen; and a working element **comprising a cannula with a lumen for traversing over the single guide wire and having a curved distal section and a sharpened distal tip, the curved distal section of the cannula being in a straight configuration when positioned within the catheter body and in a curved configuration when extending from the lateral opening, the deflection housing being configured to allow the guide wire to pass through either of the distal port or the lateral opening.** Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Applicants would be willing to interview the present case if the Examiner so desires. Accordingly, the Examiner is invited to call the undersigned at (732) 524-2518 if such a call would facilitate the prosecution of this application.

Respectfully submitted,  
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